

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: March 9, 2017

Judge: Hon. James Donato

Time: 10 Minutes

Case No. **C-14-03264-JD**

Case Name **IN RE CAPACITORS ANTITRUST LITIGATION**

Attorney(s) for Plaintiff(s): Steven Williams/Guido Saveri/Elizabeth Tran/Adam J. Zapala

Attorney(s) for Defendant(s): Ian Papendick/Jeffrey C. Bank /Martin Geagan/Takeyoshi
Ikeda/Bonnie Lau/Michael Martinez

Deputy Clerk: Lisa Clark

PROCEEDINGS

Telephonic Discovery Hearing (Not Reported) - Held

NOTES AND ORDERS

The Court discusses with the parties the issues raised by the discovery dispute letters, Dkt. Nos. 1504 & 1544, relating to the defendants' request for discovery about the IPPs' downstream capacitor sales and capacitor purchases from entities other than distributors.

Defendants forthrightly acknowledge that they were aware of this issue in 2015, and waited almost two years to raise it with the Court. IPPs state that pursuing the issue now would significantly disrupt the schedule in that they would have to drop all of the other work they need to be doing for this case and focus only on this discovery, and it would still take them a minimum of four weeks to gather and produce the responsive data.

Taking all relevant factors into account, the Court finds that the discovery sought by defendants is not proportional to the needs of the case under FRCP 26(b). The defendants' delay in seeking this discovery is a strong indication that these issues are not so important in resolving the issues presented by this case. Also, the Court is skeptical that this type of discovery is relevant in any event in a case like this one that involves only one layer of indirect purchaser plaintiffs. That adds to the Court's conclusion that the burden or expense of the proposed discovery outweighs its likely benefit. Defendants' request is denied.